

AMENDED IN ASSEMBLY SEPTEMBER 5, 2007

AMENDED IN ASSEMBLY AUGUST 31, 2007

AMENDED IN ASSEMBLY AUGUST 22, 2007

AMENDED IN ASSEMBLY AUGUST 20, 2007

AMENDED IN ASSEMBLY JULY 18, 2007

AMENDED IN SENATE JUNE 4, 2007

AMENDED IN SENATE APRIL 25, 2007

AMENDED IN SENATE MARCH 26, 2007

## **SENATE BILL**

**No. 345**

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**Introduced by Senator Aanestad**

February 20, 2007

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An act to amend Sections 45038, 45039, 45040, and 49110 of, and to add Section 47612.7 to, the Education Code, relating to charter schools, and declaring the urgency thereof, to take effect immediately.

### **LEGISLATIVE COUNSEL'S DIGEST**

SB 345, as amended, Aanestad. Charter schools.

(1) The Charter Schools Act of 1992 prescribes the requirements for the establishment and operation of charter schools. Charter schools operate independently of the existing school district structure and are exempt from most statutory provisions and regulations governing the operations of public schools.

Existing law authorizes the governing board of a school district to use certain monthly installment and withholding options in making salary payments to the district's certificated employees.

This bill would authorize the governing board of a charter school to use those same monthly installment and withholding options for purposes of making salary payments to its certificated employees.

(2) The Charter Schools Act of 1992 requires the Superintendent of Public Instruction annually to compute a general-purpose entitlement that includes revenue limit funding for each charter school according to specified calculations. The act requires charter schools, as a condition of receiving funding apportionments, to offer in each fiscal year a specified number of minutes of instruction to each pupil based on grade level. For purposes of that instructional time requirement, the act defines “classroom-based instruction” as occurring only when charter school pupils are engaged in required educational activities under the immediate supervision and control of an employee of the charter school who possesses a specified teaching certification. The act requires, for purposes of calculating average daily attendance for classroom-based instruction apportionments, that at least 80% of the instructional time offered by the charter school be at the charter schoolsite. Charter schools are required to ensure the attendance of all pupils for whom a classroom-based apportionment is claimed at the schoolsite for at least 80% of the minimum instructional time required to be offered.

This bill, notwithstanding those provisions, would authorize the Center for Advanced Research and Technology operating pursuant to a joint powers agreement between the Clovis Unified School District and the Fresno Unified School District to receive general-purpose funding, as calculated pursuant to a specified statute, for the 2007–08 fiscal year for a total average daily attendance not to exceed the center’s average daily attendance as determined at the 2nd principal apportionment for the 2006–07 fiscal year.

(3) Existing law authorizes the superintendent of a school district in which a minor resides to issue a work permit upon receipt of a written request from a parent, guardian, foster parent, or other specified person. The superintendent also is authorized to designate certain certificated employees and certain persons having charge of private schools to issue work permits.

This bill would grant that same authority to issue work permits, or to designate other individuals to issue work permits, to the chief executive officer, or the equivalent position, of a charter school.

(4) *This bill would make additional changes in Section 49110 of the Education Code to be operative only if SB 406 and this bill are enacted*

*and become effective on or before January 1, 2008, each bill amends Section 49110 of the Education Code, and this bill is enacted last.*

~~(4)~~

(5) This bill would state findings and declarations of the Legislature concerning the need for special legislation.

~~(5)~~

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 45038 of the Education Code is amended  
2 to read:

3 45038. (a) The governing board of a school district or charter  
4 school may arrange to pay the persons in positions requiring  
5 certification qualifications employed by it, or any one or more of  
6 those employees or one or more groups or categories of those  
7 employees, in either 10, 11, or 12 equal payments instead of by  
8 the school month.

9 (b) In lieu of the arrangement in subdivision (a), orders for the  
10 payment of salary, and payroll orders for the payment of salary  
11 and warrants for the payment of salary of employees employed in  
12 positions requiring certification qualifications may be drawn once  
13 each two weeks, twice a month, or once each four weeks as  
14 determined by the governing board.

15 SEC. 2. Section 45039 of the Education Code is amended to  
16 read:

17 45039. If the governing board of a school district or charter  
18 school arranges to pay persons employed by it in 12 equal  
19 payments for the year, it may pay each monthly installment at the  
20 end of each calendar month, whether or not the persons are actually  
21 engaged in teaching during the month.

22 SEC. 3. Section 45040 of the Education Code is amended to  
23 read:

24 45040. (a) The governing board of a school district or charter  
25 school not paying the annual salaries of persons employed by the  
26 district or charter school in 12 equal monthly payments may

1 withhold from each payment made to each employee an amount  
2 equal to  $16\frac{2}{3}$  percent thereof.

3 (b) The total of the amounts deducted from the salary of an  
4 employee during a school year shall be paid to him or her in two  
5 equal installments, one installment to be paid not later than the  
6 fifth day of August next succeeding, and one installment to be paid  
7 not later than the fifth day of September next succeeding.

8 (c) If an employee leaves the service of the district or charter  
9 school by death or otherwise before receiving the moneys that may  
10 be due him or her, the amount due him or her shall be paid within  
11 30 days to him or her or to any other person entitled to those  
12 moneys by law.

13 SEC. 4. Section 47612.7 is added to the Education Code, to  
14 read:

15 47612.7. Notwithstanding Section 47612.5 or any other  
16 provision of law, the Center for Advanced Research and  
17 Technology operating pursuant to a joint powers agreement  
18 between the Clovis Unified School District and the Fresno Unified  
19 School District is eligible to receive general-purpose funding, as  
20 calculated pursuant to Section 47633, for the 2007–08 fiscal year  
21 for a total average daily attendance not to exceed the center's  
22 average daily attendance as determined at the second principal  
23 apportionment for the 2006–07 fiscal year.

24 SEC. 5. Section 49110 of the Education Code is amended to  
25 read:

26 49110. (a) It is the intent of the Legislature that school district  
27 and charter school personnel responsible for issuing work permits  
28 to pupils have a working knowledge of California labor laws as  
29 they relate to minors and be trained to provide the pupils practical  
30 personal guidance in career education.

31 (b) The superintendent of any school district in which any minor  
32 resides, the chief executive officer, or the equivalent position, of  
33 a charter school that a minor attends, a person holding a services  
34 credential with a specialization in pupil personnel services  
35 authorized by the superintendent or chief executive officer in  
36 writing, or a certificated work experience education teacher or  
37 coordinator authorized by the superintendent or chief executive  
38 officer in writing, may issue work permits to certain minors. If the  
39 minor resides in a portion of a county not under the jurisdiction  
40 of the superintendent of a school district and does not attend a

1 charter school, the work permit shall be issued by the county  
2 superintendent of schools, by a person holding a services credential  
3 with a specialization in pupil personnel services authorized by the  
4 county superintendent in writing, or a certificated work experience  
5 education teacher or coordinator authorized by the county  
6 superintendent in writing.

7 (c) A work permit shall not be issued until the written request  
8 therefor from the parent, guardian, foster parent, caregiver with  
9 whom the minor resides, or residential shelter services provider,  
10 has been filed with the issuing authority. "Residential shelter  
11 services" refers to residential and other support services provided  
12 to minors by a governmental agency, a person or agency under  
13 contract with a governmental agency to provide these services, an  
14 agency receiving funding from community funds, or a licensed  
15 community care facility or crisis resolution center on a temporary  
16 or emergency basis in a facility that services only minors.

17 (d) If the certificated person designated to issue work permits  
18 by the superintendent of a school district or the chief executive  
19 officer, or the equivalent position, of a charter school is not  
20 available, and delay in issuing a permit would jeopardize the ability  
21 of a pupil to secure work, another person authorized by the school  
22 district superintendent or the chief executive officer, or the  
23 equivalent position, of a charter school may issue the work permit.

24 (e) If a school district or charter school does not employ or  
25 contract with a person holding a services credential with a  
26 specialization in pupil personnel services or with a certificated  
27 work experience education teacher or coordinator, the school  
28 district superintendent or the chief executive officer, or the  
29 equivalent position, of a charter school may authorize, in writing,  
30 a person who does not hold that credential to issue work permits  
31 during periods of time in which the superintendent is absent from  
32 the district or the chief executive officer is absent from the charter  
33 school.

34 *SEC. 5.5. Section 49110 of the Education Code is amended to*  
35 *read:*

36 49110. (a) ~~It is the intent of the Legislature that school district~~  
37 ~~personnel~~ *An individual* responsible for issuing work permits to  
38 pupils *pursuant to this section shall* have a working knowledge of  
39 California labor laws as they relate to minors and ~~be trained to~~

1 provide the pupils practical personal guidance in career education  
2 of education laws related to work permits.

3 ~~(b) The superintendent of any school district in which any minor~~  
4 ~~resides, a person holding a services credential with a specialization~~  
5 ~~in pupil personnel services authorized by the superintendent in~~  
6 ~~writing, or a certificated work experience education teacher or~~  
7 ~~coordinator authorized by the superintendent in writing, may issue~~  
8 ~~to certain minors permits to work. If the minor resides in a portion~~  
9 ~~of a county not under the jurisdiction of the superintendent of any~~  
10 ~~school district, the permit to work shall be issued by the~~  
11 ~~superintendent of schools of the county, by a person holding a~~  
12 ~~services credential with a specialization in pupil personnel services~~  
13 ~~authorized by the superintendent in writing, or a certificated work~~  
14 ~~experience education teacher or coordinator authorized by the~~  
15 ~~superintendent in writing.~~

16 *(b) A certificated employee of a school district who is authorized*  
17 *in writing by the superintendent of the school district in which the*  
18 *employee works may issue a permit to work to a minor enrolled*  
19 *in the school. A principal authorized by the superintendent of the*  
20 *school district may in turn designate certificated employees at the*  
21 *schoolsite to issue work permits.*

22 *(c) The chief executive officer, or the equivalent position, of a*  
23 *charter school, or his or her designee, may issue a permit to work*  
24 *to a minor attending that charter school.*

25 ~~(e)~~

26 *(d) A permit to work shall not be issued until the written request*  
27 *therefor from the parent, guardian, foster parent, caregiver with*  
28 *whom the minor resides, or residential shelter services provider,*  
29 *has been filed with the issuing authority. “Residential shelter*  
30 *services” refers to residential and other support services provided*  
31 *to minors by a governmental agency, a person or agency under*  
32 *contract with a governmental agency to provide these services, an*  
33 *agency receiving funding from community funds, or a licensed*  
34 *community care facility or crisis resolution center on a temporary*  
35 *or emergency basis in a facility that services only minors.*

36 ~~(d)~~

37 *(e) If the certificated—person employee designated by the*  
38 *superintendent of the school district to issue work permits is not*  
39 *available, and delay in issuing a permit would jeopardize the ability*

1 of a pupil to secure work, ~~a person~~ *another certificated employee*  
2 authorized by the superintendent may issue the work permit.

3 ~~(e) If a district does not employ or contract with a person holding~~  
4 ~~a services credential with a specialization in pupil personnel~~  
5 ~~services or with a certificated work experience education teacher~~  
6 ~~or coordinator, the superintendent may authorize, in writing, a~~  
7 ~~person who does not hold that credential to issue permits to work~~  
8 ~~during periods of time in which the superintendent is absent from~~  
9 ~~the district.~~

10 *(f) A permit to work shall not be issued to a pupil by a person*  
11 *who may request a work permit for that pupil pursuant to*  
12 *subdivision (d).*

13 *(g) The county superintendent of schools or his or her designee*  
14 *may issue a work permit to a pupil who does not attend a school*  
15 *that has a person authorized to issue a work permit to that pupil,*  
16 *provided that the person issuing the work permit complies with*  
17 *Section 49110.2 in reviewing the academic and attendance records*  
18 *of the pupil prior to issuing a work permit. It is the intent of the*  
19 *Legislature in granting the authority pursuant to this subdivision*  
20 *to ensure that all pupils have a designated individual to whom*  
21 *they may apply to receive a work permit.*

22 *SEC. 6. Section 5.5 of this bill shall only become operative if*  
23 *(1) this bill and SB 406 are both enacted and become effective on*  
24 *or before January 1, 2008, (2) each bill amends Section 49110 of*  
25 *the Education Code, and (3) this bill is enacted after SB 406, in*  
26 *which case Section 5 of this bill shall not become operative. Except*  
27 *for subdivision (c) of Section 49110 of the Education Code, as*  
28 *added by Section 5.5 of this bill, the changes made by Section 5.5,*  
29 *if applicable, shall be implemented commencing at the beginning*  
30 *of the 2008–09 school year.*

31 ~~SEC. 6.~~

32 *SEC. 7. Due to the unique circumstances concerning the Center*  
33 *for Advanced Research and Technology, the Legislature finds and*  
34 *declares that a general statute cannot be made applicable within*  
35 *the meaning of Section 16 of Article IV of the California*  
36 *Constitution.*

37 ~~SEC. 7.~~

38 *SEC. 8. This act is an urgency statute necessary for the*  
39 *immediate preservation of the public peace, health, or safety within*

1 the meaning of Article IV of the Constitution and shall go into  
2 immediate effect. The facts constituting the necessity are:  
3 In order to ensure that charter schools that are established and  
4 operated pursuant to joint powers agreements are eligible to receive  
5 classroom-based instruction apportionments based on average  
6 daily attendance for the 2002–03 to 2007–08 fiscal years, inclusive,  
7 at the earliest possible time, it is necessary that this act take effect  
8 immediately.

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